

THE HONOURABLE SRI JUSTICE A. V. SESA SAI

WRIT PETITION No.30973 of 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Forests appearing for the respondents.

An order passed by the Forest Settlement Officer, Visakhapatnam, the 2nd respondent herein, in Award No.2 of 2018 in F.A.No.1/2011 in A.R.No.3 of 2010, dated 21.02.2018, rejecting the claim of the petitioner herein under Section 10 of the A.P. Forest Act, 1967 (for short, 'the Act'), is under challenge in the present writ petition.

When the matter is taken up, it is submitted by the learned counsel for the petitioner that though the petitioner herein requested the 2nd respondent to adjourn the matter, the same was not considered and the 2nd respondent passed the impugned order.

On the other hand, it is submitted by the learned Government Pleader that the present writ petition is not maintainable in view of availability of alternative remedy of appeal to the District Court under Section 13 of the Act.

Section 13 (1) of the Act reads as under:

“Where a claim is rejected wholly or in part, the claimant may, within ninety days from the date of the order under sub-section (1) of Section 10 and within Sixty days from the date of the order under sub-section (1) of Section 11, prefer an appeal to the District Court having jurisdiction in respect of such rejection only.”

In view of the availability of alternative remedy as stated supra, this Court is not inclined to entertain the present writ petition. However, it is

open to the petitioner herein to avail the said remedy of appeal within a period of two weeks from the date of receipt of a copy of this order and, if any such appeal is filed against the order impugned in the present writ petition, the same be considered and appropriate orders be passed strictly in accordance with law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the present writ petition shall stand closed.

29.08.2018
v v



JUSTICE A. V. SETHA SAI